

REMARKS

Claims 1 - 16, 18 - 26, and 28 - 29 are pending. Claims 1, 3 -10, 12 - 16, 18 - 21, 22 - 26, and 28 - 29 have been amended. Claims 17 and 27 have been cancelled. No new matter has been added. Reconsideration and allowance of the present application based on the above amendments and following remarks are respectfully requested.

In Section 4 of the Office Action, dated July 15, 2004, the Examiner rejected claims 1-29 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,505,244 to Natarajan et al. ("the Natarajan reference"). This rejection is respectfully traversed.

Independent claim 1, as amended, recites:

A system for host-based QoS provisioning, comprising:

 a host system connecting to a network, said host system initiating a data flow associated with an application running in the host system, said data flow being sent to said network; and

 a centralized QoS provisioning mechanism for enforcing flow control on said data flow of said application originated from said host system **by establishing a QoS provisioning policy for said application**, wherein

 said centralized QoS provisioning mechanism is connected to said host system and

 said flow control is enforced on said data flow of said application **using a filter and a flow specification constructed for said application based on the QoS provisioning policy.**

The Natarajan reference does not disclose, teach, or suggest the system of independent claim 1, as amended. The Natarajan reference discloses a feedback-based adaptive network, where at least a portion of network elements reporting operating information relating to network conditions are fed to a centralized data store. A policy engine computes updated control information based on analyzing the reported operating information. This updated control information is fed back to selected network

elements, which affects operation of the selected elements. (*Abstract, column 2, lines 23-40*). The control information for each controlled network element comprises operational parameters that may affect the operation of the underlying network element. When operation of a network element has been affected, its corresponding operational parameters and/or operating information may change. (*Column 7, lines 25-29; col. 28, line 29 - col. 29, line 36; col. 32, line 12 - col. 33, line 56*). In other words, each network element in the Natarajan reference may have operational parameters or operating information that change, but there is no disclosure in the Natarajan reference that **QoS information may be changed for specific applications**.

Therefore, the Natarajan reference does not disclose a system including a host system and a centralized provisioning mechanism a centralized QoS provisioning mechanism for enforcing flow control on said data flow of said application **by establishing a QoS provisioning policy for said application**, wherein said flow control is enforced on said data flow of said application **using a filter and a flow specification constructed for said application based on a QoS provisioning policy for said application**. The Natarajan reference is directed to modifying or changing parameters for a network element, i.e., device, and not for applications. Therefore, the Natarajan reference does not disclose **establishing a QoS provisioning policy for an application and also does not disclose that a filter is constructed for the application based on the QoS provisioning policy**.

Accordingly, the Applicants respectfully submit that independent claim 1, as amended, distinguishes over the Natarajan reference. Independent claims 5, 7, 9, 12, 14, 20, 22, and 24 recite limitations similar to independent claim 1, as amended.

Therefore, the Applicants respectfully submit that claims 5, 7, 9, 12, 14, 20, 22, and 24 distinguish over the Natarajan reference for similar reasons as those set forth above in regard to independent claim 1, as amended. According, applicants respectfully submit that the rejection of claims 1, 5, 7, 9, 12, 14, 20, 22, and 24 under 35 U.S.C. §102(e) should be withdrawn.

Claims 2 - 4, 6, 8, 10, 11, 13, 15, 16, 18, 19, 21, 23, 25, 26, 28, and 29 depend, directly or indirectly, on independent claims 1, 5, 7, 9, 12, 14, 20, 22, and 24, all as amended. Accordingly, applicants respectfully submit that claims 2 - 4, 6, 8, 10, 11, 13, 15, 16, 18, 19, 21, 23, 25, 26, 28, and 29 distinguish over the Natarajan reference for the same reasons as discussed above in regard to independent claim 1. Therefore, the Applicants respectfully request that the rejection of claims 2 - 4, 6, 8, 10, 11, 13, 15, 16, 18, 19, 21, 23, 25, 26, 28, and 29 under §102(e) should be withdrawn.

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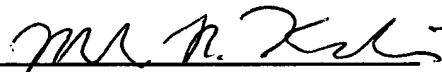
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Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

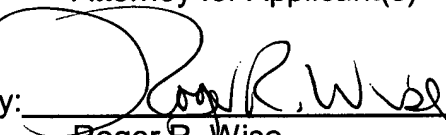
Respectfully submitted,

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